

**CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, FEBRUARY 9, 2009**

PRESENT:	ROBERT J. CANNON	SUPERVISOR
	GEORGE FITZGERALD	CLERK
	WILLIAM SOWERBY	TREASURER
	ERNEST HORNUNG	TRUSTEE
	KEN PEARL	TRUSTEE
	DEAN REYNOLDS	TRUSTEE
	JENIFER WEST	TRUSTEE

ABSENT: NONE

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Board Chambers. Also in attendance was Jack Dolan, Township Attorney. The Pledge of Allegiance was recited, led by Boy Scout Troups #146 and #96.

APPROVAL OF AGENDA

Mr. Fitzgerald requested a revision to Item #13 – Request Closed Session to: 1) Update Labor Negotiations; and 2) Discuss Pending Litigation on Brume/Gold Rush v. Clinton Township. He added that the Board may come out of Closed Session to act on the second item.

Motion by Mr. Reynolds, supported by Mr. Hornung, to approve the agenda as revised.
Roll Call: Ayes – Reynolds, Hornung, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

1. PRESENTATION FROM MACOMB DISTRICT COMMISSIONER, BOY SCOUTS OF AMERICA

Mr. Cannon noted that the petitioner is not present, and he felt she may have been held up by traffic. He suggested tabling this item until later in the meeting to give her an opportunity to be present.

Motion by Mr. Cannon, supported by Mr. West, to table the presentation from the Macomb District Commissioner of the Boy Scouts of America until later in this meeting.
Roll Call: Ayes – Cannon, West, Reynolds, Hornung, Pearl, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

2. REQUEST TO PLACE BANNER IN FRONT OF BUSINESS: LAURA'S FASHION BOUTIQUE – 41730 GARFIELD

Ms. Josephine Palazzolo, owner of Laura's Fashion Boutique, introduced Rosanne, from Rinaldi's, another business located in the same shopping center, and indicated they are seeking permission to put up extra banners advertising their businesses.

Mr. Carlo Santia, Director of the Department of Planning and Community Development, explained that the sign ordinance currently allows "Special Event" signs up to 32 square feet in size to be put up for a total of two weeks per year. The Ordinance Update Committee is currently looking to update that ordinance to allow "Special Event" signs for up to four weeks per year.

Ms. Palazzolo explained that they have columns in front of their store and they would like to put the banners on these columns. She pointed out that they are not near the street, so she was confident that the banners will not have a negative effect on the area.

Mr. Santia noted that part of the reason for that ordinance is prevent signs of this nature. He stated that if everyone were allowed to place banners on their property, there would be a proliferation of this type of sign and it would decrease the aesthetics of the corridor. He advised that the petitioner can seek a variance from the Zoning Board of Appeals to allow additional time for the banners to be in place, and he reiterated that, in the future, the ordinance may be amended to allow a total of four weeks per year for the "Special Event" signs.

Ms. Palazzolo stressed that the economic times are tough and they need the additional signage to attract business.

Mr. Santia advised that window signs are allowed but cannot cover more than 50% of the window space.

Ms. Palazzolo argued that their stores are set too far back from the road for window signs to be effective.

More discussion took place regarding the sign request and why the sign ordinances are in effect.

Mr. Santia replied to inquiry that there is a \$300 fee for the Board of Appeals and she will have to demonstrate a hardship, although he cautioned that the Board cannot consider financial hardships. He replied to further inquiry that she can indicate the large front yard setback as being a hardship.

Ms. West inquired as to when this proposed Ordinance amendment will be presented to the Board.

Mr. Santia replied that it was presented to the Board several months ago and was received and filed. He indicated it will possibly be brought back to the Board at their next meeting.

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter dated January 26, 2009 from Ms. Josephine Palazzolo, owner of Laura's Fashion Boutique, and take no action on the request to place a banner in front of her business for at least one month. Roll Call: Ayes – Sowerby, West, Reynolds, Hornung, Pearl, Cannon, Fitzgerald. Nays – None. Absent – None. Motion carried.

3. RECOMMENDATION OF THE CONSERVATION COMMITTEE

Mr. Sowerby informed that last week, the ITC made a presentation to the Conservation Committee. Mr. Kirsh and Ms. Stefanoff were both present, and he felt there was a good exchange. The Committee felt that ITC's plans to begin their removal of vegetation in less than two weeks is not sufficient time to properly notify residents and subject the Township to have to answer calls for their tree-cutting. They felt there should be community meetings, at which representatives from ITC would explain the program and answer questions from concerned residents. He felt this will be a big project to a lot of residents when they start seeing their trees, many of which have been there for years, coming down. The Conservation Committee felt that "door hangers" informing residents of the impending work to be done on their property is not sufficient notification. Mr. Sowerby explained that the Conservation Committee is respectfully requesting that the start-up of this ITC project in Clinton Township be extended. He added that the Committee is also requesting the Board to consider imposing enforcement of the Tree Ordinance, which would require ITC to replace one tree for every five trees taken down. They acknowledged that these replacement trees would have to be planted in an area designated by the Township. He recalled that MDOT planted a lot of trees along Hall Road to beautify the median and they may all be coming down as per the new requirements by ITC. Mr. Sowerby acknowledged that Mr. Kirsh had contacted him this morning to advise him he has not yet received an answer to the Committee's questions, but Mr. Sowerby suggested making these requests from the Conservation Committee into a motion.

Ms. West inquired as to whether the removal of stumps was discussed by the Committee.

Mr. Sowerby explained that they discussed the stumps, but it was not in their motion. He replied that it can be added to the Township Board's motion, if they so desire.

Mr. Pearl was not sure whether the ITC will challenge anything required by the Township, but he supported Mr. Sowerby's request.

Mr. Fitzgerald agreed with Mr. Sowerby and felt trees and their impact on the environment are important. He added that he is a member of Green Michigan, and he

agreed with the requirement that as trees come down, there should be a provision for replacement.

Mr. Kirsh acknowledged that the meeting with the Conservation Committee was very positive, although they may not have agreed 100%. He added that there were a lot of good suggestions made. He claimed that, in the past, they have had a very high success rate when they leave the door hangers and follow up by being out in the neighborhoods, talking with the residents. He explained there will be an ad in the newspaper, and there will be a telephone number on the door hanger so residents can call if they have questions or concerns. He stated that, while he is not opposed to meetings, they must deal with the issue of time. They are working in numerous communities and feel they have exceeded the requirements placed upon them by the law. Once the trees begin growing, the taller trees already become a concern. He stressed they are allowing the residents the opportunity to remove some of the smaller trees so they can replant them if they wish. Mr. Kirsh stated that, although he has not had an official response back from ITC, he does not feel they are going to follow the Township's tree ordinance. He pointed out that many of the trees they will be removing are trees that individuals planted in the ITC easement, which is not allowed. He clarified that ITC has worked with other communities and will work with Clinton Township when trees have to be removed from parks, and they will make attempts to try to replace trees in other locations, but he was confident that it would not be at a replacement ratio of one tree for every five removed. He stated it has been their policy to cut stumps as close to the ground as possible, but they do not remove them.

Mr. Kirsh replied to inquiry that ITC is "chomping at the bit" because with every warm day, the ground gets softer and their equipment can cause additional damage, leaving ruts. On colder days, the impact is minimal, and that is why time is crucial to them. Mr. Kirsh replied to further inquiry that he attempted to reserve the library for a meeting, but the earliest available date is February 18th, with additional dates not available until much later. He stressed that ITC has the right to remove trees, so any meetings with the residents would be informational only. He suspected that these meetings may encourage residents to become more upset because if they get two or three letters and attend meetings, only to be informed this is occurring, this can stir more impact from the residents.

Ms. West inquired as to whether the residents who are receiving the door hangers will be invited to the meeting at the library.

Mr. Kirsh replied that he is not opposed to holding a meeting and will call the library tomorrow; however, he cautioned that they are not changing their minds about following through with their program because they feel it is essential.

Mr. Hornung inquired as to how many homes will be affected.

Mr. Kirsh estimated that there are approximately 100 to 150 throughout the Township. He explained that they do not deal with addresses, so it is a little difficult to figure out exactly how many would be affected.

Mr. Roger Holtslander, 38015 St. Tropez, Clinton Township, Michigan 48038, questioned how much cost the Township would bear if it is taken to Michigan Public Service Commission for a variance.

Mr. Cannon did not feel it will cost any money to pass this Resolution.

Mr. Sowerby inquired as to what will happen to all the vegetation planted by MDOT along the Hall Road corridor.

Mr. Kirsh replied that ITC has the right to remove the vegetation if it is in their easement.

Mr. Cannon noted that some of the vegetation is low-lying, and he inquired as to whether that will also be removed.

Mr. Kirsh replied that determination as to whether to remove the vegetation or leave it in place will be made on an individual basis. He did not believe the rights of ITC will require them to follow the Township ordinance with regard to the replacement of trees. He replied to further inquiry that there is not a specific plan because every community is different. Mr. Kirsh commented that he can try to hold off the removal of the trees for as long as possible, but he felt they will want to start within two weeks.

Mr. Sowerby felt that to be informed as a community that crews will be in private backyards in two or three weeks, “clear-cutting” trees is not fair to the property owners who have treasured these trees, sometimes for years. He felt that, for ITC to get people to buy into what they say they have the right to do, they had better explain it to them. He complained that the door hangers look like dozens of other advertisements, and he felt the more effective solution would be to hold community meetings. He could not believe that ITC will not remove the stumps, and he cautioned that they should be doing everything they can for the community to ease the pain of losing these beautiful trees. He suggested that this process can be done by ITC accepting these stipulations, or Clinton Township can encourage every community to join in the uproar. He indicated that, while ITC may be referring to it as “removing trees”, it actually amounts to “clear cutting”, and he recalled that this occurred in Shelby Township last year and it sent their residents into an uproar. He expressed surprise at Mr. Kirsh, being a former supervisor of Washington Township, that he insinuate that ITC is going ahead with this clear cutting “because they can”. He felt other communities should be made aware of this, as should senators and representatives from Congress.

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter dated February 5, 2009 from the Conservation Committee and request the ITC to delay the removal of trees so the ITC can hold neighborhood community meetings to inform

residents of the proposed clear-cutting that will be occurring by ITC Transmission in their easements, and additional notification of this removal of vegetation will be made via the Township's Cable TV channel; further, that ITC Transmission be required to replace every fifth tree removed by one tree, per the Township Tree Ordinance, with the replacement trees to be planted on designated public property; further, to require ITC to remove all stumps from whatever is cut down; further, to allow the DPW inspectors, upon confirmation of the Township Attorney, to make sure ITC maintains their easement as required by law; further, to request the DPW inspectors to be on site once the tree removal commences to make sure the ITC is not removing anything that is not within their jurisdiction; further, that a Resolution to this effect be created and this motion, along with a copy of the minutes of the Conservation Committee where this issue was discussed, be forwarded to all local communities in Macomb County, U.S. Senator Debbie Stabenow and U.S. Senator Carl Levin, U.S. Representative Sander Levin, Michigan State Senator Michael Switalski, Michigan Representatives Fred Miller and Kim Meltzer and Macomb County Commissioners. Discussion ensued.

Mr. Alec Cranbrook, 36750 Vaughn, Clinton Township, Michigan 48035, expressed concern about the routes to and from school for students, and whether these will be affected by the removal of this vegetation.

Mr. Cannon felt this proposed plan should not affect Mr. Cranbrook's route, and he clarified that these only involve the huge metal power lines. He explained that the large power outage a few years ago that involved several states was caused by three separate incidents where there was vegetation growing in the easements.

Mr. Sowerby felt that the wording in the motion should include the requests made by the Conservation Committee, as reflected in their minutes.

Mr. Pearl recalled a lawsuit involving ITC in Livingston County, and ITC had prevailed, although that suit was in regards to the location of the lines and not the removal of the vegetation in the easement. He was in support of Mr. Sowerby's motion.

Mr. Dolan replied to inquiry that the verbiage in the easement documents will determine the rights ITC has. He cautioned that ITC should make sure they have the proper rights and have the ability to do what is being proposed. He agreed with Mr. Sowerby with regard to requiring the stumps to be removed, and if they are not, he felt the Township will be left with an ugly influx of saplings sprouting up. He was surprised that the removal of the stumps is not part of ITC's protocol because to leave them will be unsightly.

Mr. Pearl inquired as to whether they should randomly select one easement and ask Mr. Dolan to review it in order to confirm that ITC has the right to remove the trees.

Mr. Dolan assured he will be glad to review any such documents.

Mr. Pearl commented that DTE Energy has made it a policy to trim, rather than remove, trees.

Mr. Kirsh explained that the wooden poles, under the jurisdiction of DTE, are rubber-coated, whereas the metal poles are not.

Mr. Pearl inquired as to whether heavy equipment being brought in to grind or remove the stumps may cause more damage.

Mr. Reynolds felt ITC may think they have more easements than they actually do. He questioned whether ITC cuts the grass and maintains their easements.

Mr. Kirsh responded that if they actually own the property, they will maintain it; however, if it is an easement and is situated on someone else's lot, it is up to that property owner to maintain the grass.

Mr. Reynolds did not feel it is fair for homeowners to have to maintain those easements, cutting around the stumps that are left.

Mr. Kirsh pointed out that there are 15,000 miles of power lines in the Township so it is not easy. They may not be back in the specific area for another couple of years.

Mr. Westerman replied to inquiry that there are a number of areas his department cuts, one being a reservoir north of 18 Mile Road and south of Canal. He added that Consumer's Energy now maintains their easements. He replied to inquiry that DPW did not charge ITC for that cutting.

Mr. Sowerby felt the Township may have to investigate the possibility of billing ITC when it is actually the Township who is maintaining the easements. He further suggested that DPW send inspectors out to make sure that ITC is not cutting down anything that is not in the easement area. He stressed that nothing else other than what is permitted to be removed by ITC should be.

Mr. Kirsh assured that the easements are granted to ITC, and he mentioned that when they are cutting the trees, the residents will have to stay back for safety reasons.

Ms. Debbie McClellan, 3713 Lake Forest Drive, Sterling Heights, Michigan 48314, stated she frequently rides the Macomb Orchard Trail, and she noted that the condition of the trail, following the removal of trees by ITC last year, is "shocking". She indicated it is a "terrible sea of stumps", and she suggested the Board members visit that trail. She felt many of the trees could have been trimmed rather than removed, and she urged the ITC to work with the community and not leave such devastation.

Roll Call: Ayes – Sowerby, West, Reynolds, Hornung, Pearl, Cannon, Fitzgerald. Nays – None. Absent – None. Motion carried.

Motion by Mr. Pearl, supported by Mr. Reynolds, to request Mr. Dolan, Township Attorney, to review the easements that ITC Transmission currently holds in the Township, and clarify the rights of ITC with regards to the removal of trees. Roll Call: Ayes – Pearl, Reynolds, Hornung, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

Motion by Mr. Sowerby, supported by Ms. West, to authorize the Township Engineer to apply for the \$5,000 Clinton River DEQ Grant, with the Township to provide the additional 25% match in materials or service, as required. Roll Call: Ayes – Sowerby, West, Reynolds, Hornung, Pearl, Cannon, Fitzgerald. Nays – None. Absent – None. Motion carried.

4. DISCUSSION OF THE ANNUAL CLINTON TOWNSHIP BLOOD DRIVE

Mr. Sowerby indicated that the Annual Clinton Township Blood Drive will be held on March 3rd and 4th. He explained that the Concorde Inn, a long-time location for the drive, was unable to accommodate them this year because of a conflict; however, Medstar, located at Gratiot and Joy, will be a new site. Mr. Sowerby informed that in the nine years the Township has been holding the Blood Drive, they have collected 3,629 pints and their goal is to collect a total of over 4,000 pints once this year's drive is over. He added that this is their 10th Anniversary, and he credited a lot of volunteers, the Red Cross, the school districts, businesses and employees who have made this possible over the years.

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated January 30, 2009 from the Township Treasurer and approve the temporary placement of the banner signs advertising the 10th Annual Clinton Township Community Blood Drive at numerous sites within the Township, as outlined in the correspondence. Roll Call: Ayes – West, Reynolds, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

5. INTRODUCTION OF ORDINANCE NO. 384 AMENDING CHAPTER 850 MESSAGE THERAPISTS LICENSING

Mr. Dolan clarified that the state provisions address the act of performing the massage only, not the licensing of the business. With regard to the people performing the massage, they can obtain a license from the state and then they are exempt from the Township ordinance; however, if they do not obtain a license from the state, they are under this ordinance.

Motion by Mr. Hornung, supported by Mr. Reynolds, to receive and file the letter dated January 21, 2009 from the Township Attorney and introduce and publish for the first time, with the intent to adopt at the next Regular Township Board Meeting, an Ordinance revising the Massage Licensing Ordinance, Chapter 850, Charter Township of Clinton

Code of Ordinances, as presented. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

6. RATE INCREASES FOR HERITAGE ESTATES – LEASE AGREEMENTS

Ms. Barbara Campbell, 15350 18 Mile Road, Clinton Township, Michigan 48038, a resident of Heritage Estates, inquired as to how the price increase is determined.

Ms. Lauretti replied that the last increase was in 2003. She explained that they forecasted the same rates, then determined expenditures and the amounts projected for capital improvements. This left them with a shortage, so that is how they arrived at the 10% increase.

Mr. Cannon stated that a question was raised at the last meeting, and rightfully so, as to why there were no increases for years, and now there is such a drastic increase.

Ms. Lauretti replied to inquiry that the monthly rent and maintenance rates are as follows:
1-bedroom units will go from \$450 per month to \$495 per month
2-bedroom units will go from \$530 per month to \$583 per month

Ms. Campbell questioned why this was not raised slightly each year rather than nearly 10% this year. She felt many of the residents will have a difficult time with this increase.

Mr. Cannon explained that when this development was constructed, it was never the intent to subsidize it with tax dollars but it was to be self-funded. He suggested that the residents can talk with Mr. George Westerman, Superintendent of the Department of Public Works, as to what has not been taken care of and what needs to be done.

Ms. Karena Rudd, 15350 18 Mile Road, Clinton Township, Michigan 48038, complained that, although the porch railings were replaced, the floorboards on the porches are rotten. She commented that some of the residents are unable to use their porches for this reason. She had mentioned it to the workmen who were repairing the railings, but she claimed they told her they were not hired to replace the boards. She indicated that the main water drain was fixed but it is now collapsing. She inquired as to whether there will be enough money in their funds to repair these items.

Mr. Westerman explained that the porch railings were replaced last year and, at that time, any deck boards that were considered dangerous were also replaced. He advised that if there are other boards that have deteriorated since that time, he is not aware of them. He advised that the residents need to talk to the management company, who would make the repair. He assured, however, that the structural elements of the deck were not considered unsafe, and the Building Department conducted the inspections. He further assured there is no danger of the porches collapsing, but reiterated they need to be aware if there are rotten deck boards. Mr. Westerman acknowledged that the parking lot was replaced five

years ago but the past two winters have been very hard. They are looking at crack sealing to extend the life of the parking area.

Mr. Cannon requested that anyone from Heritage Estates interested in talking with Mr. Westerman can do so in the hallway once the Board is done with this item.

Mr. Westerman stressed that Clinton Township has put a lot of money into this complex in the last several years, spending almost \$1.2 million in improvements. Their goal is to provide a long-term, maintenance-free solution. He stated he would like to know about the residents' issues if the management company has not resolved them.

Mr. Pearl indicated he had some concerns with this at the last meeting, and he is with the understanding that there is no Capital Fund to take care of these repair items.

Ms. Lauretti explained that they try to budget some capital funds each year for repairs and improvements, but the debt payment is a big part of the budget. She felt when it is paid off in 2018, that will free up some funds for capital improvements.

Mr. Pearl commented that as a building gets older, more capital improvements are needed, and these buildings are close to twenty years old. He felt the Township has done the best it can to keep them up. He stated that he is not happy with the \$50 monthly increase, but currently there is a turnover of about 45 units per year, with only one unit vacant. He expressed concern that the residents may go elsewhere if the cost increase is too high, and if the vacant units are not filled, that is less money available to do the repairs and improvements. He noted that there has been no money spent staining the decks. He felt that they need to look closely at whether it is better to have frequent, small increases or less frequent, larger increases.

Mr. Reynolds agreed with Mr. Pearl, and he suggested a sub-committee be formed to look at whether an increase is the answer, or whether there is another solution, such as the possibility of part of the cost increase being partially offset with a bond. He anticipated that the furnaces will soon need to be replaced, and he was not sure whether there is one furnace for each unit, or whether they have shared furnaces. He suggested that the sub-committee could look at these issues, and added that he would like to sit on that committee.

Discussion took place regarding who would form the committee.

Motion by Mr. Reynolds, supported by Mr. Sowerby, to form a sub-committee to look at costs associated with Heritage Estates and the proposed increase in monthly rental rates and maintenance fees, with this committee to include Mr. George Westerman, Superintendent, and Mr. Brian Girard, Assistant Superintendent of the Department of Public Works; Ms. Donna Lauretti, Finance Director; and Mr. Pearl and Mr. Reynolds; further, that the findings of this committee be brought back to the Township Board prior to May 1st, 2009. Discussion ensued.

Ms. Frances Cadieux, 15350 18 Mile Road, Clinton Township, Michigan 48038, cautioned that the residents of Heritage Estates are elderly and on fixed incomes. She felt the proposed increases will be a major hardship to many of the residents, and she pointed out there will be other repair costs because all of the appliances were purchased at the same time. She noted that their dishwashers are getting old, and she could see where a lot of money will have to be invested into the repair and replacement of appliances and other major items.

Mr. Reynolds assured the purpose of this committee will be to look at all of these issues and possible solutions.

Roll Call: Ayes – Reynolds, Sowerby, Hornung, Pearl, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

1. PRESENTATION FROM MACOMB DISTRICT COMMISSIONER, BOY SCOUTS OF AMERICA (CONTINUED)

Motion by Mr. Sowerby, supported by Ms. West, to remove Item #1 off the table and consider it at this time. Ayes – Sowerby, West, Reynolds, Hornung, Pearl, Cannon, Fitzgerald. Nays – None. Absent – None. Motion carried.

Ms. Deborah Tillier, 38176 Groesbeck Highway, Clinton Township, Michigan 48036, introduced herself, explaining that she and her sons were involved with scouting for ten years. She recently discovered that there have been some issues with their district, attended a meeting, and decided to become involved once again. Four scouting events have been canceled in the last year, so she felt it is important to plan an event that will be followed through. She is proposing to hold a weekend camp for the scouts with a “First Aid” theme. In looking for a location, she felt the best place would be here at the Civic Center. She recalled they did this once before, about twelve years ago, and it was a big success, and there were no problems or damage to the property. She indicated that they have “Firefighter Explorers” so they would be involving the Fire Department to ask permission to have a campfire. Ms. Tillier suspected that, due to the frustration of recent events being planned and then canceled, she did not feel they would have all sixteen units participating but she hoped to have ten units, possibly amounting to fifty tents. She felt either the northern portion of the Civic Center property or the southern portion, near the sledding hill, would be ideal locations. She replied to inquiry that the event is tentatively scheduled for the second weekend in June, which would be June 12th and 13th. They would arrive Friday evening and leave on Sunday morning.

Mr. Cannon explained that, if the Board wishes to grant approval of the request, they will have to make sure the property is available because they have a heavy usage of the baseball diamonds and soccer fields at that time of the year. He felt the south end may be a better location because it would not interfere with the soccer fields, and there are restrooms by the sledding hill that could be left open all night for the scouts.

Ms. Tillier stressed that she would like to keep this very low-priced for the scouts, and would like to see them enjoy the weekend for little more cost than the price of a patch.

Mr. Cannon felt that any motion to approve should be contingent upon the Department of Public Works checking the schedule to make sure there is no conflict with scheduling or with liability.

Ms. Tillier assured that they have blanket liability coverage.

Mr. Dolan replied to inquiry that if this is approved and it is determined the facility is available, the Township must be named as the primary insured party on the Certificate of Liability Insurance. He also cautioned that if this is approved, the Township cannot deny other groups making similar requests for the use of the facility based on their theme or underlying affiliation.

Ms. Tillier claimed she checked into that twelve years ago and those concerns were unfounded, although she admitted it could happen, but she felt it is unlikely.

Motion by Mr. Cannon, supported by Mr. Reynolds, to receive and file the letter from Ms. Deborah Tillier, Macomb District Commissioner, Boy Scouts of America, and approved the request to hold a camping event for the Boy Scouts on June 12th and 13th, 2009 at the south end of the Civic Center (near the sledding hill), as outlined in the presentation, contingent upon Mr. Westerman confirming that there is no conflict with those dates, and that Clinton Township must be named as the primary insured party on the Certificate of Liability Insurance. Roll Call: Ayes – Cannon, Reynolds, Hornung, Pearl, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

7. RECOMMENDATION OF BID AWARD FOR DEMOLITION OF STRUCTURES AT 33827 STEVENSON

Motion by Mr. Hornung, supported by Mr. Reynolds, to receive and file the letter dated January 29, 2009 from the Assistant Superintendent of the Building Department, and, in response to a Court Order dated December 22, 2008, granting authority for the demolition of unsafe structures at 33829 Stevenson, that the bid for this demolition be awarded to the low bidder, J. Mathews, Inc., in the amount of \$8,150.00, in anticipation of the Neighborhood Stabilization Program funds being received; further, that the Building Permit Fee for the demolition, in the amount of \$195.00 be waived. Discussion ensued.

Mr. Reynolds thanked the various departments involved, including the Building, Public Works and Planning. He indicated he and Mr. Pearl met with the residents and, although it has taken a long time, he was appreciative to those who are getting this demolition underway.

Mr. Cannon stated that the funds for this demolition will be paid out of the Neighborhood Stabilization Program.

Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – West. Motion carried.

8. REQUEST TO SCHEDULE PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM & HOME PROGRAM – 2009 PROGRAM YEAR

Motion by Mr. Reynolds, supported by Mr. Pearl, to receive and file the letter dated January 30, 2009 from the Assistant Director of the Department of Planning and Community Development and schedule a public hearing for the 2009 Community Development Block Grant and HOME Program Year to be held on Monday, March 9, 2009 at 6:30 p.m. in the Township Board Chambers, Clinton Township Civic Center, 40700 Romeo Plank Road, as requested. Roll Call: Ayes – Reynolds, Pearl, Hornung, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

9. PERSONNEL VACANCY REVIEW COMMITTEE REPORT

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive, file and concur with the letter dated January 29, 2009 from the Human Resources Director and approve the filling, from within the department, of the vacant Equipment Operator position, created by the pending retirement of a long-time employee, and that due to changing work requirements, the Department would then not request to fill the Utility Worker vacancy created by the promotion; further, to approve the filling of a vacant part-time Office Aide position for the Senior Center; further, to postpone a decision on filling the Receptionist vacancy created by the promotion of the incumbent to another position within the Township; further, to receive and file the letter from the Superintendent of the Department of Public Works, and approve the elimination of the Clerk II position in DPW and to promote Ms. Mary Paschen to the position of Posting and Billing Clerk. Roll Call: Ayes – Sowerby, Reynolds, Hornung, Pearl, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

10. RENEWAL OF SEMCOG MEMBERSHIP

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated January 26, 2009 from Executive Director of SEMCOG and approve the renewal of Clinton Township's SEMCOG Membership for the period from February 15, 2009 to February 15, 2010 and to authorize payment of the 2009 Membership Dues in the amount of \$11,367.00, as outlined in the correspondence. Roll Call: Ayes – West, Reynolds, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

11. DISCUSSION ON 2009-2010 BUDGET

Ms. Lauretti explained that the only revision to what was presented at the last meeting is the property tax revenue. The Assessing Department has been running some more definitive figures, and instead of the previously anticipated 7% decrease in 2009-2010 and 5% decrease in 2010-2011, it looks as though it will be a 4% decrease in 2009-2010, but a higher decrease the following year. She revised the figures to show a 5% decrease next year, but a 7% decrease the following year. She explained that the three-year projection remains relatively unchanged because the numbers for next year and the following year are basically reversed. Ms. Lauretti explained that they still need to make the change to the financial structure, but this will give them more time to implement the changes that may come up. She noted that the General Fund budget for 2008-2009 was adjusted to reflect the overtime approved last week. She also adjusted the Worker's Comp in the Fire Department budget by \$75,000, which was due to a Worker's Comp settlement. She requested that, when the budget is approved, that the 2008-2009 "Estimated" column be adopted as the "Amended Budget" as has been done in the past. Ms. Lauretti pointed out that they will save an additional \$46,000 by implementing the reduction of the Office Clerk II position that was just approved.

Ms. Lauretti discussed the Fire Department budget and pointed out that they are in a deficit unless there are changes made to the structure of the budget for the upcoming year. She noted that there are two vacant positions, and if these positions are not filled, they would realize a savings of \$200,000, but still leaving a deficit of \$101,000, which could be eliminated with the layoff of one firefighter.

Ms. West inquired as to whether there is a capital outlay proposed for the Police Fund.

Ms. Lauretti replied that the Police Fund capital outlay is minimal, and they are only proposing the replacement of five police vehicles. The following years are also projected at a replacement rate of five vehicles rather than the ten vehicles they used to purchase annually.

Mr. Reynolds inquired as to the level of Township funding for retirement medical.

Ms. Lauretti replied that it is 20% funded. She replied to further inquiry that they need to put 16% in each year to eventually be funded at 100%. She estimated it will take twenty (20) years to get to that point, and she is still putting 16% in future forecasts. The actuaries are working on a new calculation, which they are required to do every two years. She added she is hoping it will be a lower percentage rate.

Mr. Pearl recalled that one suggestion to raise additional revenue is to assess a 1% Administrative Fee for collecting taxes, which is allowed. He inquired as to how much money that would generate.

Ms. Lauretti replied that the assessment of a 1% Administrative Fee would generate approximately \$1.3 million for the 2009-2010 Budget Year.

Mr. Pearl commented that there are 23 out of 40 communities in Macomb County that have implemented this assessment, including Sterling Heights, Utica and Warren. He noted that in the last five years, they have reduced taxes by \$5.591 million because of the Headlee Amendment. Mr. Pearl explained that with the State Equalized Values (SEV's) going down, they can seek a vote asking for the override of the Headlee Amendment, thereby restoring the millage that was originally authorized but has been declining.

Ms. Lauretti replied to inquiry that would amount to approximately 44 cents per \$1,000 of taxable value.

Ms. West felt that putting additional costs on the backs of taxpayers prolongs the hard decisions the Township must make. She stressed they need to look at how they are going to balance this budget and yet maintain the services that residents have come to expect.

Mr. Cannon pointed out that, with the anticipated deficit next year, even if both of these measures were enacted, they would still be looking at a nearly \$4 million next year.

Ms. Lauretti replied to inquiry that the budget is supposed to be approved sixty days prior to the start of the budget year, so that would have been January 31st. She added that there is no penalty and the last few years, approval of the budget has gone into February and March.

Mr. Cannon stated he would recommend approving what Ms. Lauretti proposed. He pointed out that, without filling the vacant positions, the General Fund and Police Fund budgets are in balance. As far as the Fire Fund budget, he is not in favor of laying off anyone, but would prefer instead to use a minimum fund balance and not fill the two vacant positions or any other anticipated vacancies.

Ms. West explained that she is in the process of meeting with the department heads and she would prefer another two weeks before voting on the budget. She felt the department heads are extremely bright and she wants to hear their thoughts.

Mr. Roger Holtslander, 38015 St. Tropez, Clinton Township, Michigan 48038, pointed out that the proposed budget does not include any salary increases or capital outlay. He felt pension contribution will have to go up. He felt that asking residents to pay more in taxes "based on houses that they are underwater on" is not a good option. He felt that if nothing is done to cut the cost of employees or raise funds, the Township could be looking at twenty fewer firefighters or police officers in the near future. He was confident that no one in Clinton Township would feel that is a good solution. Mr. Holtslander stated what he did not hear tonight is any mention of going to the Township employees to ask for pay cuts or concessions. He calculated that for police and fire, if their salaries were cut by 10% and overtime was cut, they would still make \$74,000

annually with excellent benefits, and they would not have to look at layoffs. He felt the residents of Clinton Township would still have the best fire and police protection in all of Macomb County. He indicated he would vote in favor of a tax increase if that is what it would take to maintain current levels of firefighters and police officers, but he does not own a big home so he does not pay much in taxes. He added that the people he knows who do own big homes have indicated they cannot afford a tax increase. He felt the 1% administrative fee will not solve the Township's financial difficulties, only "move the inevitable further down the road". He felt that if employees are asked to take pay cuts and concessions, the Township's fund balances would be higher than they are currently at the end of the four-year projection.

Mr. Cannon stressed that no one has talked about a tax increase, but only to impose a 1% service fee to collect taxes, allowed by law and something that a vast majority of communities already charge. The other option is the 1 mil that the Township residents already authorized to levy but has been gradually decreasing. The Headlee override would take the reduced taxation rate of 0.7289 back to 1.0, which would increase the revenue. Mr. Cannon pointed out that the police and fire personnel belong to unions, so the Township cannot arbitrarily reduce salaries. He noted that one of the agenda items tonight is a Closed Session to discuss contract negotiations. He stressed Clinton Township has great police and fire departments and it will take more revenue and less expenditures to keep it that way.

Mr. Pearl inquired as to whether the overcharge by AT&T has been adjusted into the Water and Sewer Budget.

Ms. Lauretti replied they are still working on that.

Mr. Pearl explained that the audit is not yet complete, but it appears as though AT&T may have been overcharging a couple hundred thousand dollars in data lines. He would like Mr. Dolan to help the Township to recover those overcharges.

Ms. Lauretti clarified that is not an annual overcharge, but it was over four or five years.

Mr. Brian Moynihan, IT Director, replied to inquiry that there are 33 circuits in question and have been cancelled. The representative working on this has forwarded it to her supervisor, and they are waiting for the next step. He replied to further inquiry that they have only received this information in the last ten days. He explained that they have requested this audit prior to March of last year and did not receive it until December. He is not sure yet whether they will need legal assistance from Mr. Dolan on this.

Mr. Dolan replied he can become involved if they need him to do so.

Mr. Hornung pointed out that Mr. Cannon will not be at the Township Board meeting in two weeks because he will be in Washington DC. He suggested postponing a decision on the budget for four weeks.

Ms. Lauretti replied to inquiry that they could possibly wait four weeks but not any later than that.

Mr. Sowerby felt they can add this as a discussion item at the next meeting, but they do not have to take action on it that night.

Mr. Cannon assured he would have no problem with them approving the agenda in two weeks when he is not present, because he is comfortable with what has been discussed.

Motion by Mr. Cannon, supported by Ms. West, with regard to the discussion on the 2009-2010 Budget, to receive and file and bring this matter back to the Board in two (2) weeks for further discussion. Roll Call: Ayes – Cannon, West, Reynolds, Hornung, Pearl, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

12. REPLACEMENT OF VEHICLE MODEMS – DEPARTMENT OF FIRE AND RESCUE

Motion by Ms. West, supported by Mr. Pearl, to receive, file and concur with the letter dated February 5, 2009 from the Budget/Ways & Means Committee, and approve the replacement of vehicle modems in the Fire Department's fleet and to award the purchase of the fourteen (14) modems from the low bidder, Provantage, at a cost of \$10,815.00, excluding shipping and for the installation of same by the Township's IT Department, as outlined in the correspondence. Roll Call: Ayes – West, Pearl, Reynolds, Hornung, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

13. REQUEST CLOSED SESSION TO: 1) UPDATE LABOR NEGOTIATIONS; AND 2) DISCUSS PENDING LITIGATION ON BARTHUME/GOLD RUSH V CHARTER TOWNSHIP OF CLINTON

Motion by Ms. West, supported by Mr. Reynolds, to schedule a Closed Session immediately following the last item on tonight's agenda to discuss: 1) Update of Labor Negotiations; and 2) Pending Litigation on Gold/Gold Rush v Charter Township of Clinton, with the possibility of the Board coming out of Closed Session on the second item. Roll Call: Ayes – West, Reynolds, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

APPROVAL OF MINUTES OF JANUARY 26, 2009 REGULAR TOWNSHIP BOARD MEETING

Motion by Mr. Reynolds, supported by Mr. Fitzgerald, to approve the minutes of the January 26, 2009 Regular Board Meeting, as presented. Roll Call: Ayes – Reynolds, Fitzgerald, Hornung, Pearl, Cannon, West, Sowerby. Nays – None. Absent – None. Motion carried.

APPROVAL OF BILLS

Motion by Mr. Sowerby, supported by Mr. Reynolds, to approve the bills as presented. Roll Call: Ayes – Sowerby, Reynolds, Hornung, Pearl, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT INTO CLOSED SESSION

The meeting adjourned into Closed Session at 8:50 p.m. and reconvened at 9:03 p.m.

13. LITIGATION ON BARTHUME/GOLD RUSH V CHARTER TOWNSHIP OF CLINTON

Mr. Dolan recommended that the Township Board approve the Consent Judgment on Gold/Gold Rush v Charter Township of Clinton, as presented.

Motion by Mr. Pearl, supported by Mr. Reynolds, to authorize the Township Attorney to enter into the Consent Judgment on Gold/Gold Rush v Charter Township of Clinton, as presented and recommended by the Township Attorney. Roll Call: Ayes – Pearl, Reynolds, Hornung, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

ADJOURNMENT

Motion by Ms. West, supported by Mr. Sowerby, to adjourn the meeting and go back into Closed Session to discuss Labor Negotiations. Roll Call: Ayes – West, Sowerby, Reynolds, Hornung, Pearl, Cannon, Fitzgerald. Nays – None. Absent – None. Motion carried.

The meeting adjourned at 9:04 p.m.

Respectfully submitted,

GEORGE FITZGERALD, CLERK
CHARTER TOWNSHIP OF CLINTON